

106TH CONGRESS
2D SESSION

S. 3245

To provide for the transfer of the Coast Guard Station Scituate to the National Oceanic and Atmospheric Administration, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 26 (legislative day, SEPTEMBER 22), 2000

Mr. KERRY introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To provide for the transfer of the Coast Guard Station Scituate to the National Oceanic and Atmospheric Administration, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. TRANSFER OF COAST GUARD STATION**
4 **SCITUATE TO THE NATIONAL OCEANIC AND**
5 **ATMOSPHERIC ADMINISTRATION.**

6 (a) **AUTHORITY TO TRANSFER.**—

7 (1) **IN GENERAL.**—The Administrator of the
8 General Services Administration, in consultation
9 with the Commandant, United States Coast Guard,
10 may transfer without consideration administrative

1 jurisdiction, custody, and control over the Federal
2 property known as Coast Guard Station Scituate to
3 the National Oceanic and Atmospheric Administra-
4 tion (hereinafter referred to as “NOAA”).

5 (2) IDENTIFICATION OF PROPERTY.—The Ad-
6 ministrator, in consultation with the Commandant,
7 may identify, describe, and determine the property
8 to be transferred under this section.

9 (b) TERMS OF TRANSFER.—

10 (1) The transfer of the property shall be made
11 subject to any conditions and reservations the Com-
12 mandant considers necessary to ensure that—

13 (A) the transfer of the property to NOAA
14 is contingent upon the relocation of Coast
15 Guard Station Scituate to a suitable site;

16 (B) there is reserved to the Coast Guard
17 the right to remove, relocate, or replace any aid
18 to navigation located upon, or install any aid to
19 navigation upon, the property transferred under
20 this section as may be necessary for naviga-
21 tional purposes; and

22 (C) the Coast Guard shall have the right
23 to enter the property transferred under this sec-
24 tion at any time, without notice, for purposes of

1 operating, maintaining, and inspecting any aid
2 to navigation.

3 (2) The transfer of the property shall be made
4 subject to the review and acceptance of the property
5 by NOAA.

6 (c) RELOCATION OF STATION SCITUATE.—The Coast
7 Guard may—

8 (1) lease land, including unimproved or vacant
9 land, for a term not to exceed 20 years, for the pur-
10 pose of relocating Coast Guard Station Scituate; and

11 (2) improve the land leased under this sub-
12 section.

13 **SEC. 2. COAST GUARD STATION NANTUCKET; PLUM ISLAND**
14 **PROPERTY.**

15 (a) AUTHORITY TO CONVEY.—

16 (1) IN GENERAL.—The Secretary of Transpor-
17 tation may convey, by an appropriate means of con-
18 veyance, all right, title, and interest of the United
19 States in and to each of the following properties:

20 (A) Coast Guard LORAN Station Nan-
21 tucket, located in Nantucket, Massachusetts, to
22 the Town of Nantucket, Massachusetts.

23 (B) Two parcels of land on which are situ-
24 ated the Plum Island Boathouse and the Plum
25 Island Lighthouse (also known as the Newbury-

1 port Harbor Light), located in Essex County,
 2 Massachusetts, to the city of Newburyport,
 3 Massachusetts.

4 (2) IDENTIFICATION OF PROPERTY.—The Sec-
 5 retary may identify, describe, and determine the
 6 property to be conveyed under this section.

7 (3) LIMITATION.—The Secretary may not
 8 under this section convey—

9 (A) any historical artifact, including any
 10 lens or lantern, located on the property at or
 11 before the time of the conveyance; or

12 (B) any interest in submerged land.

13 (b) GENERAL TERMS AND CONDITIONS.—

14 (1) IN GENERAL.—Each conveyance of property
 15 under this section shall be made—

16 (A) without payment of consideration; and

17 (B) subject to the conditions required by
 18 this section and other terms and conditions the
 19 Secretary may consider appropriate, including
 20 the reservation of easements and other rights
 21 on behalf of the United States.

22 (2) REVERSIONARY INTEREST.—In addition to
 23 any term or condition established under this section,
 24 each conveyance of property under this section shall
 25 be subject to the condition that all right, title, and

1 interest in the property conveyed shall immediately
2 revert to the United States if—

3 (A) the property, or any part of the
4 property—

5 (i) ceases to be available and acces-
6 sible to the public, on a reasonable basis,
7 for educational, park, recreational, cul-
8 tural, historic preservation, or other simi-
9 lar purposes specified for the property in
10 the terms of conveyance;

11 (ii) ceases to be maintained in a man-
12 ner that is consistent with its present or
13 future use as a site for Coast Guard aids
14 to navigation or compliance with this sec-
15 tion; or

16 (iii) ceases to be maintained in a man-
17 ner consistent with the provisions in para-
18 graph (4) established by the Secretary pur-
19 suant to the National Historic Preserva-
20 tion Act of 1966 (16 U.S.C. 470 et seq.);
21 or

22 (B) at least 30 days before that reversion,
23 the Secretary provides written notice to the
24 owner that the property is needed for national
25 security purposes.

1 (3) MAINTENANCE OF NAVIGATION FUNC-
2 TIONS.—Each conveyance of property under this
3 section shall be made subject to the conditions that
4 the Secretary considers to be necessary to assure
5 that—

6 (A) the lights, antennas, and associated
7 equipment located on the property conveyed,
8 which are active aids to navigation, shall con-
9 tinue to be operated and maintained by the
10 United States for as long as they are needed for
11 this purpose;

12 (B) the owner of the property may not
13 interfere or allow interference in any manner
14 with aids to navigation without express written
15 permission from the Commandant of the Coast
16 Guard;

17 (C) there is reserved to the United States
18 the right to relocate, replace, or add any aid to
19 navigation or make any changes to the property
20 conveyed as may be necessary for navigational
21 purposes;

22 (D) the United States shall have the right,
23 at any time, to enter the property without no-
24 tice for the purpose of maintaining aids to navi-

gation and for the purpose of enforcing compliance with this section; and

(E) the United States shall have an easement of access to and across the property for the purpose of maintaining the aids to navigation in use on the property.

(4) MAINTENANCE OF PROPERTY.—

(A) Subject to subparagraph (B), the owner of a property conveyed under this section shall maintain the property in a proper, substantial, and workmanlike manner, and in accordance with any conditions established by the conveying authority pursuant to the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.), and other applicable laws.

(B) The owner of a property conveyed under this section is not required to maintain any active aid to navigation equipment on the property, except private aids to navigation permitted under section 83 of title 14, United States Code.

(c) SPECIAL TERMS AND CONDITIONS.—

(1) COAST GUARD LORAN STATION NANTUCKET.—

1 (A) The Secretary may not convey under
2 this section any interest in the property re-
3 ferred to in subsection (a)(1)(A) before the date
4 on which the Town of Nantucket enters into an
5 agreement with the Secretary to relocate the
6 Coast Guard receiving antenna and associated
7 equipment (as determined by the Commandant,
8 at the Town's sole expense and in accordance
9 with design specification, project schedules, and
10 final project approval by the Commandant.

11 (B) The Commandant may, at any time
12 before the date of the conveyance under this
13 section of an interest in the property referred to
14 in subsection (a)(1)(A), grant to the Town of
15 Nantucket a real property license for the pur-
16 pose of allowing the Town to enter the property
17 to commence construction of a waste water
18 treatment facility and for other site preparation
19 activities.

20 (C) Paragraphs (2)(A)(iii) and (4)(A) of
21 subsection (b) do not apply to the property re-
22 ferred to in subsection (a)(1)(A).

23 (2) PLUM ISLAND PROPERTY.—The Secretary
24 shall retain all right, title, and interest of the United
25 States in and to any portion of any parcel referred

1 to in subsection (a)(1)(B) that the Secretary con-
2 siders appropriate.

3 (d) DEFINITIONS.—In this section:

4 (1) AIDS TO NAVIGATION.—The term “aids to
5 navigation” means equipment used for navigation
6 purposes, including lights, antennae, radio, sound
7 signals, electronic navigation equipment, or other as-
8 sociated equipment operated or maintained by the
9 United States.

10 (2) COMMANDANT.—The term “Commandant”
11 means the Commandant of the Coast Guard.

12 (3) OWNER.—The term “owner” means, for a
13 property conveyed under this section, the person
14 identified in subsection (a)(1) to whom the property
15 is conveyed, including any successor or assign of
16 that person.

17 (4) SECRETARY.—The term “Secretary” means
18 the Secretary of Transportation.

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